

SB0978



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0978

Introduced 2/8/2011, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103

from Ch. 95 1/2, par. 6-103

Amends the Illinois Vehicle Code. Makes a technical change to a Section concerning persons who may not be licensed as drivers.

LRB097 04726 HEP 44765 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-103 as follows:

6 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

7 Sec. 6-103. What persons shall not be licensed as drivers
8 or granted permits. The ~~The~~ Secretary of State shall not issue,
9 renew, or allow the retention of any driver's license nor issue
10 any permit under this Code:

11 1. To any person, as a driver, who is under the age of
12 18 years except as provided in Section 6-107, and except
13 that an instruction permit may be issued under Section
14 6-107.1 to a child who is not less than 15 years of age if
15 the child is enrolled in an approved driver education
16 course as defined in Section 1-103 of this Code and
17 requires an instruction permit to participate therein,
18 except that an instruction permit may be issued under the
19 provisions of Section 6-107.1 to a child who is 17 years
20 and 3 months of age without the child having enrolled in an
21 approved driver education course and except that an
22 instruction permit may be issued to a child who is at least
23 15 years and 3 months of age, is enrolled in school, meets

1 the educational requirements of the Driver Education Act,
2 and has passed examinations the Secretary of State in his
3 or her discretion may prescribe;

4 2. To any person who is under the age of 18 as an
5 operator of a motorcycle other than a motor driven cycle
6 unless the person has, in addition to meeting the
7 provisions of Section 6-107 of this Code, successfully
8 completed a motorcycle training course approved by the
9 Illinois Department of Transportation and successfully
10 completes the required Secretary of State's motorcycle
11 driver's examination;

12 3. To any person, as a driver, whose driver's license
13 or permit has been suspended, during the suspension, nor to
14 any person whose driver's license or permit has been
15 revoked, except as provided in Sections 6-205, 6-206, and
16 6-208;

17 4. To any person, as a driver, who is a user of alcohol
18 or any other drug to a degree that renders the person
19 incapable of safely driving a motor vehicle;

20 5. To any person, as a driver, who has previously been
21 adjudged to be afflicted with or suffering from any mental
22 or physical disability or disease and who has not at the
23 time of application been restored to competency by the
24 methods provided by law;

25 6. To any person, as a driver, who is required by the
26 Secretary of State to submit an alcohol and drug evaluation

1 or take an examination provided for in this Code unless the
2 person has successfully passed the examination and
3 submitted any required evaluation;

4 7. To any person who is required under the provisions
5 of the laws of this State to deposit security or proof of
6 financial responsibility and who has not deposited the
7 security or proof;

8 8. To any person when the Secretary of State has good
9 cause to believe that the person by reason of physical or
10 mental disability would not be able to safely operate a
11 motor vehicle upon the highways, unless the person shall
12 furnish to the Secretary of State a verified written
13 statement, acceptable to the Secretary of State, from a
14 competent medical specialist to the effect that the
15 operation of a motor vehicle by the person would not be
16 inimical to the public safety;

17 9. To any person, as a driver, who is 69 years of age
18 or older, unless the person has successfully complied with
19 the provisions of Section 6-109;

20 10. To any person convicted, within 12 months of
21 application for a license, of any of the sexual offenses
22 enumerated in paragraph 2 of subsection (b) of Section
23 6-205;

24 11. To any person who is under the age of 21 years with
25 a classification prohibited in paragraph (b) of Section
26 6-104 and to any person who is under the age of 18 years

1 with a classification prohibited in paragraph (c) of
2 Section 6-104;

3 12. To any person who has been either convicted of or
4 adjudicated under the Juvenile Court Act of 1987 based upon
5 a violation of the Cannabis Control Act, the Illinois
6 Controlled Substances Act, or the Methamphetamine Control
7 and Community Protection Act while that person was in
8 actual physical control of a motor vehicle. For purposes of
9 this Section, any person placed on probation under Section
10 10 of the Cannabis Control Act, Section 410 of the Illinois
11 Controlled Substances Act, or Section 70 of the
12 Methamphetamine Control and Community Protection Act shall
13 not be considered convicted. Any person found guilty of
14 this offense, while in actual physical control of a motor
15 vehicle, shall have an entry made in the court record by
16 the judge that this offense did occur while the person was
17 in actual physical control of a motor vehicle and order the
18 clerk of the court to report the violation to the Secretary
19 of State as such. The Secretary of State shall not issue a
20 new license or permit for a period of one year;

21 13. To any person who is under the age of 18 years and
22 who has committed the offense of operating a motor vehicle
23 without a valid license or permit in violation of Section
24 6-101 or a similar out of state offense;

25 14. To any person who is 90 days or more delinquent in
26 court ordered child support payments or has been

1 adjudicated in arrears in an amount equal to 90 days'
2 obligation or more and who has been found in contempt of
3 court for failure to pay the support, subject to the
4 requirements and procedures of Article VII of Chapter 7 of
5 the Illinois Vehicle Code;

6 14.5. To any person certified by the Illinois
7 Department of Healthcare and Family Services as being 90
8 days or more delinquent in payment of support under an
9 order of support entered by a court or administrative body
10 of this or any other State, subject to the requirements and
11 procedures of Article VII of Chapter 7 of this Code
12 regarding those certifications;

13 15. To any person released from a term of imprisonment
14 for violating Section 9-3 of the Criminal Code of 1961 or a
15 similar provision of a law of another state relating to
16 reckless homicide or for violating subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of this
18 Code relating to aggravated driving under the influence of
19 alcohol, other drug or drugs, intoxicating compound or
20 compounds, or any combination thereof, if the violation was
21 the proximate cause of a death, within 24 months of release
22 from a term of imprisonment;

23 16. To any person who, with intent to influence any act
24 related to the issuance of any driver's license or permit,
25 by an employee of the Secretary of State's Office, or the
26 owner or employee of any commercial driver training school

1 licensed by the Secretary of State, or any other individual
2 authorized by the laws of this State to give driving
3 instructions or administer all or part of a driver's
4 license examination, promises or tenders to that person any
5 property or personal advantage which that person is not
6 authorized by law to accept. Any persons promising or
7 tendering such property or personal advantage shall be
8 disqualified from holding any class of driver's license or
9 permit for 120 consecutive days. The Secretary of State
10 shall establish by rule the procedures for implementing
11 this period of disqualification and the procedures by which
12 persons so disqualified may obtain administrative review
13 of the decision to disqualify;

14 17. To any person for whom the Secretary of State
15 cannot verify the accuracy of any information or
16 documentation submitted in application for a driver's
17 license; or

18 18. To any person who has been adjudicated under the
19 Juvenile Court Act of 1987 based upon an offense that is
20 determined by the court to have been committed in
21 furtherance of the criminal activities of an organized
22 gang, as provided in Section 5-710 of that Act, and that
23 involved the operation or use of a motor vehicle or the use
24 of a driver's license or permit. The person shall be denied
25 a license or permit for the period determined by the court.
26 The Secretary of State shall retain all conviction

1 information, if the information is required to be held
2 confidential under the Juvenile Court Act of 1987.

3 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-685,
4 eff. 6-23-07; 95-876, eff. 8-21-08; 96-607, eff. 8-24-09;
5 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 96-1000, eff.
6 7-2-10.)